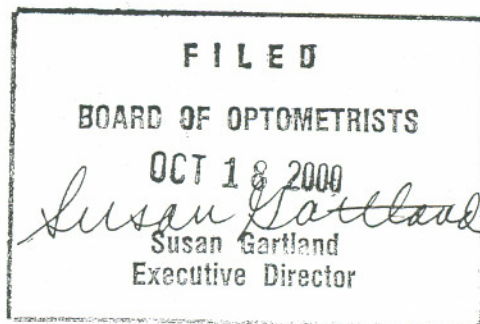


OCT 18 2000

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Kathy Stroh Mendoza
Deputy Attorney General
(973) 648-4741



STATE OF NEW JERSEY
DEPT. OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE)
SURRENDER OF THE LICENSE)
OF)
HIRAM MORGANSTEIN O.D.)
LICENSE #2334)
TO PRACTICE OPTOMETRY IN)
THE STATE OF NEW JERSEY)

Administrative Action

CONSENT ORDER
GRANTING VOLUNTARY SURRENDER
AND RETIREMENT OF LICENSURE

This matter was opened to the State Board of Optometrists ("Board") upon notice of Hiram Morganstein's desire to surrender his license with prejudice and to permanently retire from the practice of optometry in New Jersey.

During its review of records relating to Dr. Morganstein's practice, the Board found Dr. Morganstein had altered various records, which is deemed a misrepresentation in violation of N.J.S.A. 45:1-21(b). Dr. Morganstein had admitted to this alteration of records.

Respondent, Hiram Morganstein, O.D., being desirous of resolving this matter without further formal proceeding, and the

Board having determined that the within disposition is adequately protective of the public health, safety and welfare

It is on this 20th day of September, 2000

ORDERED

1. Respondent, Hiram Morganstein, O.D. is hereby granted leave and shall immediately permanently surrender his license to practice optometry in the State of New Jersey with prejudice to any further reapplication. Said surrender shall constitute the permanent voluntary retirement of Respondent's license.

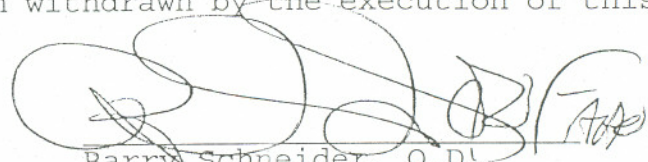
2. Respondent understands and agrees that he is to immediately cease and desist from any practice of optometry upon the date of this order, and agrees to surrender any remaining licenses permitting him to do so now or at any time in the future. Accordingly, Respondent shall return his original New Jersey optometry license, current certificate of registration, and wall certificates to the New Jersey Board of Optometrists at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, within one week of the date of this order.

3. Respondent shall be assessed a penalty of \$2,500.00 for the misrepresentation in violation of N.J.S.A. 45:1-21(b). Said penalty shall be submitted by certified check or money order made payable to the New Jersey State Board of Optometrists and submitted to the Board of Optometrists at 124 Halsey Street, 6th Floor, Newark, New Jersey 07102, no later than thirty (30) days after the entry date of this order.

4. Respondent shall be assessed the costs to the State in these proceedings in the amount of \$____ for investigation, expert fees and transcription. Said costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Optometrists no later than thirty (30) days after the entry of this Order.

5. Dr. Morganstein shall comply with all terms and conditions contained in the attached "Directive Regarding Future Activities of Hiram Morganstein, Optometric Board Licensee Who Has Retired" which is attached to this Order and made a part hereof.

6. Should Dr. Morganstein fail to comply with any of the terms of this Consent Order or the Directive incorporated herein, this Consent Order will be voided by the Attorney General and the complaint, which shall have been withdrawn by the execution of this document, will be reinstated.

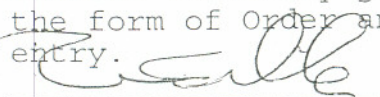


Barry Schneider, O.D.
President
State Board of Optometrists

I have read the within Order.
I understand the Order and I
agree to be bound by its terms
and conditions. Consent is
hereby given to enter this
Order.


Hiram Morganstein, O.D.

Consent is hereby given to
the form of Order and its
entry.


Robert A. Silber, Esq.
Counsel for Dr. Morganstein

**DIRECTIVE REGARDING FUTURE ACTIVITIES OF
HIRAM MORGANSTEIN, OPTOMETRIC BOARD LICENSEE WHO
HAS BEEN RETIRED**

Hiram Morganstein, practitioner, whose surrender of license with prejudice has been accepted by the Board, shall conduct himself as follows:

1. Promptly deliver to the Board the original license and current registration certificates and registration renewal certificates and, if authorized to prescribe, the current certification for use and prescription of therapeutic pharmaceutical agents.

2. Desist and refrain from the practice of the licensed profession in any form either as principal, shareholder, member or employee of another. Accordingly, during his retirement, respondent may not employ a currently licensed optometrist; may not derive any benefit from a corporation which employs optometrists; may not derive any benefit from a management company which runs the business elements of an optometric practice.

3. Within thirty days of the retirement, inform each patient of respondent's retirement and the retired status of his license. The Board shall review and approve the letter of notification of retirement. This retired licensee is instructed to forward a copy

of the letter to Deputy Attorney General, Kathy Stroh Mendoza, to forward to the Board. Notwithstanding any regulation to the contrary, when a new professional is selected by a patient, the retired practitioner shall promptly make available the original or complete copy of the existing patient record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of this retired practitioner to claim compensation earned for prior services lawfully rendered.

4. This retired licensee shall not occupy or use office space that is dedicated to the practice of optometry. The Board recognizes there is a small office in the rear of Respondent's former office which office is completely out of view from the public and grants Respondent permission to use this office for his personal non-optometric purpose. During office hours, Respondent is to reach his office by use of the back door rather than by the main entrance to the optometry office. He is only to use a unempty office during office hours.

5. Desist and refrain from furnishing professional services; giving any patient consultation regarding patient care; having other contact with patients in connection with his/her optometric practice except for facilitating the access of patients to their patient records; or giving an opinion as to the professional

practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.

6. This retired licensee shall not use any sign or advertise that he, either alone or with any other person has, owns, conducts or maintains a professional office or offices of any kind for the practice of optometry. This retired licensee shall in no way suggest his ability to practice the profession, and shall promptly remove his name from advertisements and phone messages that suggest his ability to practice the profession.

With regard to signage, this retired licensee shall be permitted to affix his name to two signs: one on the exterior of the building, one on the front door of the office. As this retired licensee has signaled that his son, Richard Morganstein, O.D., is

to succeed him in his practice, his son as the active practitioner is to post his name first and topmost, followed by name(s) of any other active practitioners, followed in turn by this retired licensee's name and the legend "retired", placed last and at the bottom of the sign. The type size for the name of this retired licensee is to be one-half ($\frac{1}{2}$) the type size of the active licensees. This signage is permitted for two (2) years following issuance of this order, after which the name of this retired licensee shall not be listed on the signs.

7. Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed. Similarly, medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

8. The retired licensee shall be required to deliver a message to those telephoning the former office premises informing callers that the practice is being conducted by another licensee, announcing the name, address, and telephone number of that licensee, and advising the patients how they may obtain their patient records.

9. The retired licensee may not share in any fee for professional services performed by another professional following the surrender of license, but may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the surrender.

10. The retired licensee shall not use the office where the retired licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the retired licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the retired licensee may be used. When the license of a sole practitioner has been surrendered, a trade name must be canceled and a professional service corporation must be dissolved.

11. A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be

directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Executive Director.

JOHN J. FARMER, JR.
Attorney General of New Jersey
Division of Law
124 Halsey Street
P. O. Box 45029
Newark, New Jersey 07102

By: Kathy Stroh Mendoza
Deputy Attorney General
(973) 648-4741

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
	:	
HIRAM MORGANSTEIN, O.D.	:	AFFIDAVIT OF COSTS
License #2334	:	
	:	
TO PRACTICE OPTOMETRY IN THE	:	
STATE OF NEW JERSEY	:	

Kathy Stroh Mendoza, of full age, hereby certifies and says:

1. I am Deputy Attorney General of the State of New Jersey assigned to prosecute the above matter. As such, I am familiar with the expenses incurred to prosecute this matter.

2. On September 20, 2000, Dr. Hiram Morganstein appeared before the Board and finalized a Consent Order with that Board that required him to pay costs in this matter.

3. Attached hereto as Exhibit A is the bill for the shorthand reporter and transcript of the October 28, 1998 appearance totaling \$181.50.

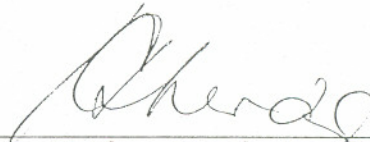
4. Attached hereto as Exhibit B is the bill for the shorthand reporter and transcript of the September 20, 2000 appearance totaling \$163.50.

5. Attached hereto as Exhibit C is the bill for review of the documents by Jerome Sherman, O.D. totaling \$400.00.

6. I certify that the Exhibits attached hereto are true and accurate copies of the documents detailed above.

7. This certification is made in conjunction with the Consent Order entered into between the Board of Optometry and Dr. Morganstein on September 20, 2000.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Kathy Stroh Mendoza
Deputy Attorney General

Dated: September 27, 2000

DATED:

JOHN J. FARMER, JR.
Attorney General of New Jersey
Division of Law
124 Halsey Street
P. O. Box 45029
Newark, New Jersey 07102

By: Kathy Stroh Mendoza,
Deputy Attorney General
(973) 648-4741

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION:
OR REVOCATION OF THE LICENSE OF:

HIRAM MORGANSTEIN, O.D.
License #2334

Administrative Action

TO PRACTICE OPTOMETRY IN THE
STATE OF NEW JERSEY

AFFIDAVIT

I, Susan Gartland, of full age, depose and say:

1. I am the Executive Director of the New Jersey State Board of Optometry (the "Board"), having offices at 125 Halsey Street, Newark, New Jersey 07102, and am the official custodian of the records of the Board.

2. I have directed that a diligent search be made of the Board records in the above-captioned matter relative to certified shorthand reporting costs incurred by the Board in its administrative proceedings. Attached are true copies of the New

Jersey payment vouchers indicating that the certified shorthand reporting costs incurred in this matter total \$ 345.00.

3. Further, attached are true copies of the bills for payment to Board Consultant, Jerome Sherman, O.D., in this matter totaling \$ 400.00.

Susan H. Gartland
Susan Gartland, Executive Director

Dated: September 27, 2000

STATE OF NEW JERSEY)
COUNTY OF Essex) SS.

Sworn and Subscribed Before Me
on this 27th day of September, 2000.

Kevin B. Earle
KEVIN B. EARLE

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 1/20/2005

Sworn and subscribed to before me this
27th day of SEPTEMBER, 2000